

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

TROUT POINT LODGE, LIMITED,
A Nova Scotia Limited Company;
VAUGHN PERRET and
CHARLES LEARY,

Plaintiff,

Civil Action No.: 1:12-CV-90LG-JMR

v.

DOUG K. HANDSHOE,

Defendant.

* * * * *

MOTION TO REQUIRE COST BOND FOR APPEAL FILED BY PLAINTIFFS

NOW INTO COURT, through undersigned counsel, comes defendant, Douglas K. Handshoe, who respectfully represents that the plaintiffs in this matter have appealed this Honorable Court's dismissal order of December 19, 2012 by Document No. 37, filed with the Court on December 26, 2012.

The plaintiffs appeal the dismissal of their efforts to enroll and execute a foreign judgment in violation of the SPEECH Act, 28 U.S.C.A. § 4102, et seq. As the prevailing party in this litigation, the defendant is entitled to an award of his attorney's fees, pursuant to 28 U.S.C.A. § 4105, which provides as follows:

In any action brought in a domestic court to enforce a foreign judgment for defamation, including any such action removed from State court to Federal court, the domestic court shall, absent exceptional circumstances, allow the party opposing recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in section 4102 (a), (b), or (c).

The fees incurred by defendant are believed to equal or exceed the amount of \$50,000.00.

In order to protect the defendant's right to collect on that assessment of attorney's fees and to

insure that the defendant's costs of appeal will be paid, assuming he prevails on appeal, as well, this Honorable Court should mandate that the plaintiffs post security in the amount of \$60,000.00, which represents attorney's fees and expected costs, to ensure that the appeal is diligently and faithfully prosecuted.

Therefore, defendant, moves pursuant to Rule 7 of the Federal Rules of Appellate Procedure, for an order requiring plaintiffs, Trout Point Lodge, Limited, Vaughn Perret, and Charles Leary, to file a bond or other approved security in the amount of \$60,000.00, to ensure payment of defendant's taxable costs and fees in connection with the appeal filed on December 26, 2012, to the United States Court of Appeals for the Fifth Circuit.

The estimate of taxable costs on appeal is set forth in the body of this motion and represents undersigned counsel's good faith estimate of the attorney's fees and costs which the prevailing party, Douglas K. Handshoe, will eventually be entitled to upon denial of the plaintiffs' appeal.

Defendant reasonably believes that the plaintiffs will oppose this Motion.

Respectfully submitted this 27th day of December, 2012,

THE TRUITT LAW FIRM
A Limited Liability Company

S/Jack E. "Bobby" Truitt

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Counsel for defendant, Douglas Handshoe

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on December 27, 2012.

S/Jack E. "Bobby" Truitt
